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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,251	12/09/2003	Thomas E. Pride	MAC 426-15	3351

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EXAMINER

QUINN, COLLEEN M

ART UNIT	PAPER NUMBER
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3634

MAIL DATE	DELIVERY MODE
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09/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/730,251	Applicant(s) PRIDE, THOMAS E.	
	Examiner Colleen M. Quinn	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-8 and 16-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Volkert et al. (US 6,588,605). Volkert et al disclose frames (23, 25), a plurality of clamping mechanisms (40,44 & Figure 1), spaced apart along the frame and generally oriented perpendicular to their direction of spacing (Figure 1), being independently biased towards a closed position, via spring (Specification, column 8, lines 4-14), actuation means (234,236,238,266) operable with the clamping mechanisms for opening and closing the clamping mechanisms (Abstract), the clamping mechanisms being individually self adjusting upon closing (Specification, column 6, lines 36-40).

Regarding claims 2-8, the clamping mechanisms comprise relatively movable jaws (40A-C, 44), operated by the actuation means to overcome the closed position, levers (246A-C), connected to the jaws (Figures 6A-D), the actuation means operable with the levers to open and close the jaws (Abstract), the levers having a distal end (as in end 259B labeled on middle lever, unlabeled on other levers), the ends of the lever moved relatively towards one another by actuation means, causing jaws to open (Specification, column 7, lines 54-67 - column 8, lines 1-9), the actuating means comprising camming means (244A-C), and control means (250), the distal ends of the levers extending through (via 248A-C) the frame (Figure 6B), engaging the camming

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means (Figure 6B), operable by the control means (Specification, column 7, line 64), causing the clamping mechanisms to open and close in unison (Abstract). The control means comprising a rotatable shaft (242), in the direction of the spacing of the clamping mechanisms (Figures 1 & 7), the camming means comprising a plurality of cam wheels disposed on and fixed to rotate with the rotatable shaft (Figure 8), the cam wheels having radial sides, forming cam surfaces, varying in the axial direction, with the revolution of the wheel (Figures 6D & 9), the cams being disposed adjacent the distal ends of the levers (Figures 6b & 8), wherein, the rotating of the shaft either brings the distal ends nearer or further apart, resulting in the opening or closing of the jaws (Specification, column 7, lines 54-67 - column 8, lines 1-57) and the cam surfaces being generally planar (Figures 8 & 9).

Regarding claims 16-20, Volkert et al. disclose a transportation/shipping package comprising one or more clamping cartridges, as set forth in claim 1, used to clamp, space, separate and support one or more panel-type articles (as advanced above), further comprising seating means (50) which cooperate with the clamping mechanisms to support the panel-type articles (Figures 2 & 4), the clamping cartridges provided in pairs (Figure 2), the pairs being oriented generally perpendicular to each other, for clamping adjacent perpendicular edges of articles (Figures 1-2), the clamping mechanism pairs aligning in the same panes as each other (Figure 2), and disposed at an angle to the transportation/shipping package (Figure 4).

Response to Arguments

Applicant's arguments with respect to the prior art of Leventy are moot as that rejection has been withdrawn.

Applicant's arguments with respect to the prior art of Volkert et al. have been considered but are not found to be persuasive. Applicant argues that Volkert et al. fail to teach clamping mechanisms individually biased towards a closed position. This is not found to be persuasive as the prior art clearly demonstrates clamping mechanisms that are individually controlled by separate actuating means, as advanced above, that keep the clamping mechanisms biased in a closed position (by keeping the handle in the closed position for securing the panels) and are used to control the opening and closing of the clamping mechanisms by the engagement of a spring clip member which is part of the actuating means controlling the movement of the jaws as explained in the applicants specification and in the above rejection. The applicant refers to Volkert et al. col. 7, lines 21-39 for support that the prior art is naturally in a relaxed and open state, as opposed to a biased/closed position. However, col. 7, lines 21-39 of Volkert et al. do not teach that at all. It in fact teaches that the clamping mechanisms may be set in an open position, or in a closed position, whichever is desired by the user, which clearly anticipates that same feature of the applicant's claimed invention; that simply adjusting the actuating means can set the jaws in an open or closed position to either release or clamp a panel. Additionally it points out that the resilient material of the clamping mechanisms allow for additional gripping/securing of inserted panels when panels are

held in the rack. For these reasons and as advanced in the above rejection, the applicant's claimed invention is still anticipated by the prior art of Volkert et al.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colleen M. Quinn whose telephone number is (571) 272-6289. The examiner can normally be reached on 8:30AM-5:00PM Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMQ
9/7/07

A handwritten signature in dark ink, appearing to read 'Brian Glessner', with a long horizontal flourish extending to the right.

BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER